

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BLAIR BURDEN, on behalf
of Judith Lynn Burden,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-00222-RBL

ORDER

THIS MATTER comes before the Court on plaintiff's motion for substitution of a party based upon the death of the plaintiff. Based on the declaration and exhibits submitted, the Court GRANTS the motion, Dkt. 2, and ORDERS that Blair Burden be substituted as the plaintiff in this action.

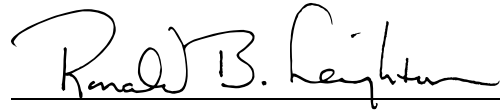
Also before the Court is plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). At the time such application is made, each "movant or plaintiff" shall complete the affidavit. *See* Local Civil Rule 3(b)(1). Here, plaintiff Blair Burden seemingly completed the declaration and application to proceed *in forma pauperis* with the relevant financial information of the deceased, Judith Lynn

1 Burden. *See* Dkt. 1. However, the benefit of proceeding *in forma pauperis* is a privilege that the
2 Court may, at its discretion, afford to movants; it is not a right held by the Social Security
3 claimant. *See Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963).

4 Therefore, the Court ORDERS that, should plaintiff seek to proceed *in forma pauperis*,
5 plaintiff shall submit an application regarding his inability to pay the filing fee. Otherwise, the
6 Court orders plaintiff to pay the required filing fee within 30 days of the filing of this order.

7 IT IS SO ORDERED.

8 DATED this 16th day of February, 2017.

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12 Ronald B. Leighton
13 United States District Judge
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